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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,885	09/30/2003	Thomas P. Chu	CHU 6-4-6-10 (LCNT/125695	9224

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EXAMINER	
PEZZLO, JOHN	

ART UNIT	PAPER NUMBER
2619	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/674,885	CHU ET AL.	
	Examiner	Art Unit	
	John Pezzlo	2619	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 February 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,6-17 and 19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,7,8,16 and 17* is/are rejected.

7)☒ Claim(s) *6, 9-15 and 19* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

I. Claims 1-3, 7, 8, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rekhter et al. (US 7,369,556 B1 hereinafter Rekhter in view of Fangman et al. (US 2002/0150083 A1) hereinafter Fangman.

1. Regarding claim 1 – Rekhter discloses determining the relative location of the terminating point with respect to the originating point of a new communication, determining one or more IP addresses to propagate the communication from the originating point to the terminating point, creating adding, at the first node, a VPN identifier (see Figure 1, T3) in the data to each packet, passing the new communication to the terminating point propagating the packets from the first node to the second node, and removing, at the second node, the VPN identifier (see Figure 1, T3) from each packet, wherein the VPN identifier (see Figure 1, T3) identifies a VPN of the customer, refer to Figure 1 and column 2 lines 15 to 20 and column 2

lines 60 to 67 and column 4 line 60 to column 5 line 5 and column 6 lines 32 to 60 and column 7 line 1 to 37 and column 8 lines 14 to 30.

Rekhter does not explicitly disclose that the communication is a voice call and the packets are voice packets.

Fangman discloses VOIP utilizing the IP network to generate voice packets and to provide voice communications over the IP network, refer to Figures 2, 3 and 4 and paragraphs [0016], [0045], [0048], [0050] to [0054, [0071], and [0075].

At the time of the invention, it would have been obvious to combine Rekhter with Fangman to provide VOIP telephony and voice packets over the Internet for real-time traffic and provide QoS guarantees to provide low cost telecommunications over the Internet.

The suggestion/motivation for doing so would have been that Rekhter discloses the use of VPNs to guarantee QoS for customers using the Internet and Fangman discloses IP telephony utilizing soft-switches and VPNs and QoS to enable VOIP.

The benefit being that VPNs will guarantee QoS for real-time traffic and make VOIP a high quality service for the customer just like toll quality service is over the PSTN.

2. Regarding claim 2 – Rekhter discloses the VPN identifier is an extra field added to an encapsulation coding scheme of the voice packets, refer to Figures 1 and 2 and column 6 line 32 to column 7 line 37 and column 8 lines 14 to 30.

3. Regarding claim 3 – Rekhter discloses the VPN identifier is an MPLS label, refer to Figures 2 and 3 and column 35 line 64 to column 36 line 6.

4. Regarding claim 7 – Rekhter discloses an IP address of the originating point is from an IP address space of the customer, refer to column 12 lines 40 to 60 and column 16 lines 1 to 20 and column 17 lines 39 to 48 and column 23 line 40 to column 24 line 20 and column 29 lines 1 to 15.

5. Regarding claim 8 – Rekhter discloses an IP address of the terminating point is from an IP address space of the customer or an IP address space of another customer, refer to column 12 lines 40 to 60 and column 16 lines 1 to 20 and column 17 lines 39 to 48 and column 23 line 40 to column 24 line 20 and column 29 lines 1 to 15.

6. Regarding claim 16 – Rekhter discloses a switch which processes call signaling messages from endpoints of the customer, a packet switch having an interface to said at least one switch, said packet switch having a VPN processing module for establishing calls on a selection of originating and terminating IP addresses passed to the at least one said switch and at least one said packet switch, said packet switch adapted for operating as an ingress packet switch and an egress packet switch; wherein said packet switch adds a VPN identifier to packets of a call when said packet switch is operating as an ingress packet switch for the call, wherein said packet switch removes a VPN identifier from packets of a call when said packet switch is operating as an egress packet switch for the voice wherein the VPN identifier identifies a VPN of the customer, refer to Figure 1 and column 2 lines 15 to 20 and column 2 lines 60 to 67 and column 4 line 60 to column 5 line 5 and column 6 lines 32 to 60 and column 7 line 1 to 37 and column 8 lines 14 to 30.

Rekhter does not explicitly disclose that the communication is a voice call and the packets are voice packets and a soft-switch.

Fangman discloses VOIP utilizing the IP network to generate voice packets and to provide voice communications over the IP network utilizing a soft-switch, refer to Figures 2, 3 and 4 and paragraphs [0016], [0045], [0048], [0050] to [0054, [0071], and [0075].

At the time of the invention, it would have been obvious to combine Rekhter with Fangman to provide VOIP telephony and voice packets over the Internet for real-time traffic and provide QoS guarantees to provide low cost telecommunications over the Internet utilizing a soft-switch

The suggestion/motivation for doing so would have been that Rekhter discloses the use of VPNs to guarantee QoS for customers using the Internet and Fangman discloses IP telephony utilizing soft-switches and VPNs and QoS to enable VOIP.

The benefit being that VPNs will guarantee QoS for real-time traffic and make VOIP a high quality service for the customer just like toll quality service is over the PSTN.

7. Regarding claim 17 – Rekhter does not explicitly disclose said soft-switch is adapted for operating as an ingress soft-switch and an egress soft-switch.

Fangman discloses said soft-switch is adapted for operating as an ingress soft-switch and an egress soft-switch.

At the time of the invention, it would have been obvious to provide Rekhter with said soft-switch is adapted for operating as an ingress soft-switch and an egress soft-switch.

The suggestion/motivation for doing so would have been that Rekhter discloses the use of VPNs to guarantee QoS for customers using the Internet and Fangman discloses IP telephony utilizing soft-switches and VPNs and QoS to enable VOIP.

The benefit being that VPNs will guarantee QoS for real-time traffic and make VOIP a high quality service for the customer just like toll quality service is over the PSTN.

II. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rekhter et al. (same as above) hereinafter Rekhter.

1. Regarding claim 4 – Rekhter does not explicitly disclose the VPN identifier is a VPN identifier as specified in IETF RFC.2685.

At the time of the invention is would have been obvious to an ordinary person of skill in the art to provide Rekhter with a VPN identifier as specified in IETF RFC 2685.

The suggestion/motivation for doing so would have been that Rekhter wants a system that is interoperable and scalable (refer to column 35 line 64 to column 36 line 6) therefore providing Rekhter with the VPN identifier as specified in IETF RFC 2685 will provide for standardization and interoperability between systems and other vendor equipment making the entire VOIP network easier to use and more compatible for the user.

Allowable Subject Matter

Claims 6, 9-15, and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 1-4, 7, 8, 16, and 17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. De Neve et al. (US 2003/0117954 A1) discloses a telecommunication system employing virtual service network architecture.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Pezzlo whose telephone number is (571) 272-3090. The examiner can normally be reached on Monday to Friday from 8:30 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel, can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C.

or faxed to:

(571) 273-8300

For informal or draft communications, please label "PROPOSED" or "DRAFT"

Hand delivered responses should be brought to:

Jefferson Building

2A15

500 Dulany Street

Alexandria, VA, 22313.

John Pezzlo

21 May 2008

/John Pezzlo/

Primary Examiner, Art Unit 2619